

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA,

v.

FREDDY MONTES, ET AL.,

Defendants.

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§ Crim. No.: H-4:17-cr-00651
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PARTIALLY¹ UNOPPOSED MOTION TO CONTINUE PRETRIAL CONFERENCE
BY TWO (2) WEEKS

COMES NOW, the United States of America, by and through the undersigned counsel, Assistant United States Attorney Adam Laurence Goldman, and hereby files this unopposed/joint motion to continue the pretrial conference and trial, and in support thereof, would show the Court the following:

Presently, a Pre-Trial Conference is scheduled in this case for October 7, 2021.

Additional time is requested for the following reasons:

A: The United States is currently engaged in plea negotiations with one or more of the Defendants. As the Court indicated at the last status conference, undersigned counsel should focus on resolving those plea negotiations. Undersigned counsel requires only a brief amount of additional time to receive the final approvals from his chain-of-command within the United States Attorney's Office before they can be finalized.² The very brief amount of additional time

¹ At the time of filing, of the twelve remaining defendants, counsel for all but Defendant Hector Reyna have indicated that they are unopposed. Counsel for Mr. Reyna understandably indicated that he would prefer for the pretrial conference to proceed as he only recently became counsel in this matter.

² Undersigned counsel is electing not to provide any further details about the status of these plea negotiations in this motion so as to not run afoul of Fed. R. Crim. P. 11(c)(1). *See generally*

requested will allow the United States and these defendant(s) who seek plea agreements to finalize these agreements.

B: Undersigned counsel believes that an additional two weeks would resolve all of the issues downloading the 16 terabytes of pole-camera recordings so as to make sure all defense counsels (both those appointed by the Court and those privately retained) have copies and have the necessary computer program to view and search those recordings.

The United States submits that the ends of justice would be served by granting a short continuance so that the plea negotiations contained in paragraph (A) may continue, and so that the discovery issues averred to in paragraph (B) may be resolved. Moreover, the United States submits that the amount of time requested (two weeks) is not unreasonable. This motion is not made for purposes of delay, but so that justice may be done. The United States submits that denial of this request could result in a miscarriage of justice.

The United States has discussed scheduling with all of the defense counsels. As explained in footnote 1, all but one defense counsel are unopposed. Also, this is the only the second continuance requested solely by the United States in this matter and, similar to the early continuance, it is only for 2 weeks..

Therefore, for the abovementioned reasons, it is respectfully requested that the Pre-Trial Conference scheduled for October 7, 2021 be continued for 2 weeks.

WHEREFORE, PREMISES CONSIDERED, the parties respectfully pray that this Court grant this Motion, that the pretrial conference be continued for 2 weeks, without prejudice, and for such other and further relief which the parties may be entitled to receive.

United States v. Pena, 720 F.3d 561, 570 (5th Cir. 2013); *United States v. Larrier*, 648 Fed. Appx. 441, 443 (5th Cir. 2016) (internal citations omitted).

Date: October 6, 2021

Respectfully submitted,

JENNIFER B. LOWERY
Acting United States Attorney, Southern District of Texas

By: s/ Adam Laurence Goldman
Adam Laurence Goldman
Assistant United States Attorney
Attorney-in-Charge
S.D. Tex. ID No.: 1034195
State Bar Nos.: NY3038023/DC476521
1000 Louisiana Street, 24th Floor
Houston, Texas 77002
Tel.: (713) 567-9534; FAX: (713) 718-3303
E-mail: Adam.Goldman2@usdoj.gov
Counsel for the United States of America

CERTIFICATE OF CONFERENCE

I HEREBY CERTIFY that, as explained in footnote 1, all but one defense counsel indicated that they are unopposed to the instant motion.

s/ Adam Laurence Goldman
Adam Laurence Goldman
Assistant United States Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of October, 2021, I electronically filed this document with the Clerk of Court using CM/ECF, and provided a copy to all opposing counsels via email.

s/ Adam Laurence Goldman
Adam Laurence Goldman
Assistant United States Attorney